

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN MARTINO, an individual; for himself
and those similarly situated; ADONIS
AMOROSO, for himself and those similarly
situated; and ROES 1 through 30,000 and the
proposed class,

Plaintiff,

vs.

ECOLAB INC., a Delaware Corporation; and
DOES 1 through 100, inclusive,

Defendants.

CASE NO: 5:14-cv-04358-VC

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

ORDER

Pending before the Court is Plaintiffs' Motion for Final Approval of Class Action Settlement. Defendant Ecolab Inc. does not oppose the motion and therefore has not filed any brief in response. The Court held a tentative fairness hearing on August 18, 2016. On August 18, 2016, the Court issued its Order granting preliminary approval of the class action settlement.

1 After careful consideration of the pending motion and a thorough review of the
2 materials submitted in support, the Court now rules as follows:

3 1. The Court finds that the Settlement is the product of serious, informed, non-
4 collusive negotiations conducted at arm's-length by the Parties. In making these
5 findings, the Court considered, among other factors, the potential damages claimed in
6 the lawsuit on behalf of Plaintiffs and members of the Certified Class (which totals 262
7 participating individuals), Defendant's potential liability, the risks of continued
8 litigation including trial outcome, delay and potential appeals, the substantial benefits
9 available to the Certified Class as a result of the Settlement, the Parties' participation in
10 mediation with an experienced class action mediator, and the fact that the proposed
11 Settlement represents a compromise of the Parties' respective positions rather than the
12 result of a finding of liability at trial. The Court further finds that the terms of the
13 Settlement have no obvious deficiencies and do not improperly grant preferential
14 treatment to any individual member of the Certified Class.

15 2. The Court finds that the Class Notice that was approved by the Court in its
16 Order of August 18, 2016 was timely sent to Class Members by the Court-approved
17 Claims Administrator CPT Group, Inc., which notice fully and accurately informed the
18 Certified Class of all material elements of the lawsuit and proposed class action
19 Settlement and each Certified Class Member's right and opportunity to object to the
20 proposed class action Settlement and be heard at the final approval (fairness) hearing.

21 3. No Certified Class Member filed a written statement with the Court objecting
22 to the Settlement or any of its terms by the objection deadline of October 24, 2016.

23 4. On December 16, 2016, the Court issued an order directing Class Counsel to
24 file a supplemental briefing regarding attorneys' fees and to mail a Supplemental
25 Notice to all Class Members to inform them that the date to file an objection to Class
26 Counsel's fee request for this matter was extended to January 15, 2017 and the final
27 approval hearing would be conducted on January 26, 2017 at 10:00 a.m.

28 5. On December 22, 2016, the Class Administrator CPT Group, Inc. sent

1 Supplemental Notices to the Class Members' name and last address pursuant to the
2 Court's December 16, 2016 Order. The Notice notified Class Members of the new final
3 approval hearing date of January 26, 2017.

4 6. As of January 23, 2017, CPT Group, Inc. had not received any written
5 objections to the Settlement. Accordingly, any objection is deemed to have been
6 waived and all Certified Class Members are foreclosed from making any objections to
7 the Settlement, whether by appeal or otherwise.

8 7. The Court GRANTS Plaintiffs' Motion for Final Approval of Class Action
9 Settlement.

10 8. The Court retains jurisdiction over the case and the parties to the extent
11 necessary to implement the terms of the Settlement Agreement until each act agreed to
12 be performed by the Parties under the Settlement has been fully performed.

13 IT IS SO ORDERED.

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15 Dated: January 26, 2017.



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18 HON. VINCE CHHABRIA
19 UNITED STATES DISTRICT COURT JUDGE
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